

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

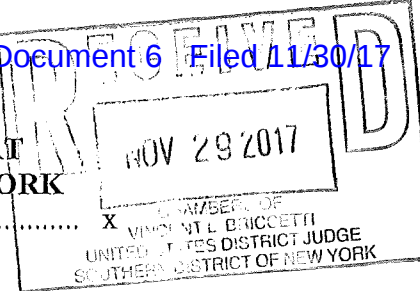
Plaintiff,

-against-

THE TOWN OF NEWBURGH, NEW YORK,

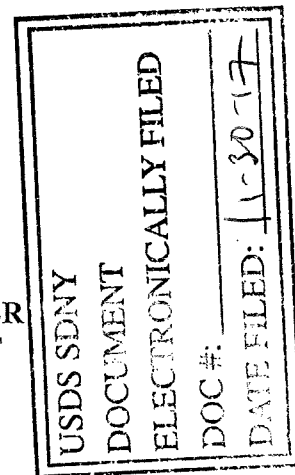
Defendant.

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08 Civ. 5902 (VB)

**STIPULATION AND ORDER
TERMINATING CONSENT
DECREE**



WHEREAS, on June 30, 2008, the United States of America on behalf of the U.S. Environmental Protection Agency ("EPA") commenced this action against the Town of Newburgh, New York (the "Town" and, collectively with EPA, the "parties"), seeking injunctive relief and the payment of civil penalties for violations of the Safe Drinking Water Act ("SDWA"), 42 U.S.C. § 300f, *et seq.*, the National Primary Drinking Water Regulations ("NPDWR") promulgated by EPA pursuant to Section 1412 of the SDWA, 42 U.S.C. § 300g-1, including the Surface Water Treatment Rule ("SWTR"), 40 C.F.R. §§ 141.70-141.75, and the Stage 1 Disinfectants and Disinfection Byproducts Rule ("Stage 1 DBPR"), 40 C.F.R. §§ 141.130-141.135 [Docket Entry 1];

WHEREAS, on September 16, 2008, the Court entered a Consent Decree agreed to by the parties [Docket Entry 4];

WHEREAS, paragraph 82 of the Consent Decree provides that after the Town has satisfactorily completed all of the compliance requirements set forth in Sections VI (Compliance Requirements) of the Consent Decree; paid the civil penalty, any accrued stipulated penalties and all accrued interest as required by this Consent Decree; complied with the requirements of Section VII (Supplemental Environmental Project); operated the Water Treatment Plant (defined in Section IV of the Consent Decree); and maintained continuous satisfactory compliance with all requirements of this Consent Decree and all applicable provisions of the SDWA, the NPDWR, the

SWTR, the Stage 1 DBPR and the Interim Enhanced Surface Water Treatment Rule, 40 C.F.R. §§ 141.170-141.175, for a period of twelve (12) consecutive months, the Town may request termination of the Consent Decree;

WHEREAS, Paragraph 83 of the Consent Decree provides that if the United States agrees that the Consent Decree may be terminated, the parties shall submit, for the Court's approval, a stipulation terminating the Consent Decree;

WHEREAS, the Town represents that it has satisfied the requirements for termination stated in paragraph 82 of the Consent Decree;

WHEREAS, the United States agrees pursuant to paragraph 83 of the Consent Decree that the Consent Decree may be terminated; and

WHEREAS, paragraph 65 of the Consent Decree, by its terms, will continue in force until five years after the termination of the Consent Decree.

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

1. The Consent Decree is terminated.

Dated: Newburgh, New York

~~May~~ 27, 2017
~~June~~

TOWN OF NEWBURGH, NEW YORK

By:


MARK C. TAYLOR

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Attorney for the Town of Newburgh

Dated: New York, New York

Sept ~~May~~ 22, 2017


JOON H. KIM

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SO ORDERED.

Date: 11/30, 2017



HON: Vincent L. Briccetti

UNITED STATES DISTRICT JUDGE